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Handwritten notes on counter-union Campaigns, 1978

Leonard C. Scott

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Handwritten notes on counter-union Campaigns, 1978

Abstract

Notes on cases, issues, and elements of counter-union efforts

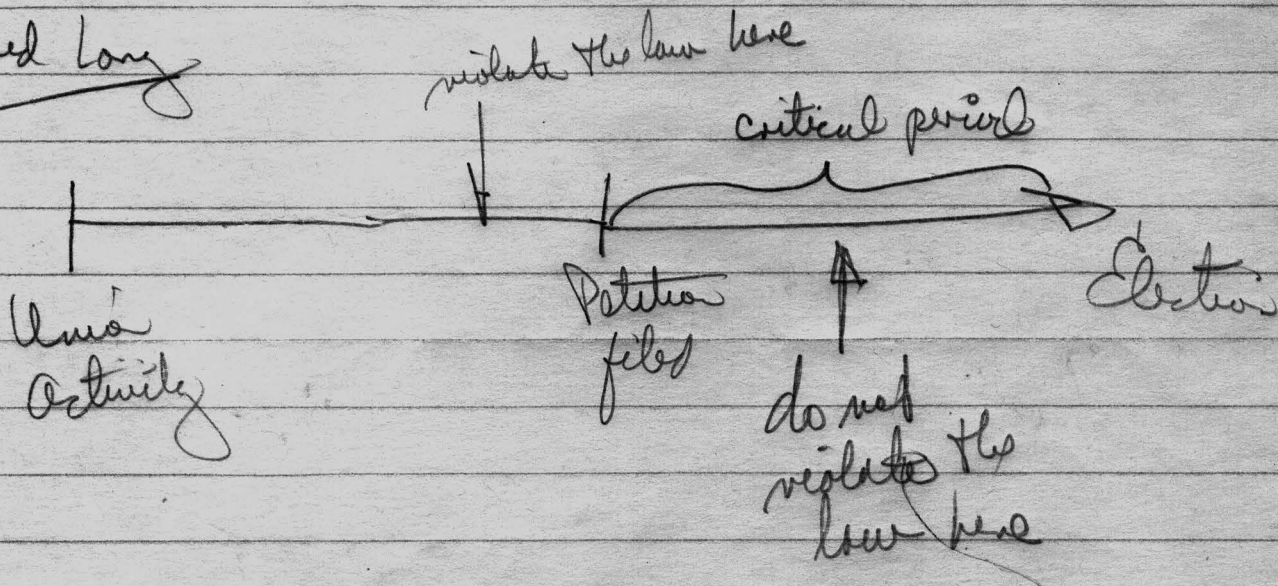
9-23-78

Warren Ogden - Seattle

1. Green Book - Hearing Officers Guide
2. Folder

- a. syllabus of case citations
- b. dos & don'ts for supervisors
- * c. Shopping Cart Decision - read!!
- d. Sample charge against labor organization
- e. Sample affidavit
- f. blocking charges rule
- g. total employer's back pay liability
- h. units for bargaining - health care institutions
- i. strikes - compromise between strikes & elections
- j. NLRB Guide

Fred Long



Campaigns - Consultant will be called in
Strikes → way of deciding whether employees will support co. or union
Card Check
Majority Status
Election

Strike
→ shallown work force
simulate when strike commences you replace them or threaten to do so.

Card Checks ← did union obtain cards by threats, if so, get affidavits 8(a)(1)(A)
find out if there is an internal org. committee
did supervisor solicit cards 8(a)(2) → blocking charge - card
two types of cards _{on represent for barg. purposes} → blocking charge - card
1. membership card → this is only card that will get an election _{proceed by an election}
2. want an election card

Possible irregularities

- promises & threats

- supervisor supports union - ULP or part of employer - supervisor can be
fined for union support

* Get copy of what a supervisor is from WCIPA

Cards

→ false representation to employer that union represents employees

Cards

Union needs 30% of employees to get election

Union won't file until it has 65% cards - AFL-CIO rule

< 15% of people change mind when employer says he doesn't want a union >

Gissel Case

- If union gets card majority & they are good cards
& employer commits ULP that are so serious
< layoff half the work force > or if employer commits a series
of ULPs to make a fair election impossible, then
an order to bargain will be issued with or without
election & with or without a request to bargain

Watch for - card majority + ULP

very serious - multiple discharges
multiple threats & promises
wage increases (illegal)

→ Gissel

→ cards done legally

Avoid threats !!!

Violate law on positive side - hopes, dreams, visions

If cards are older than a year, they are invalid

Card Runs

→ how cards were obtained

Get peer group leader to get card books. You mean Sally. I can't get her card books. If really a demo org. get card books. Explained employee rights to him. Get one loyal employee in workforce.

1. Disclaimer - you are Americans - you are free to speak out except in labor relations - we can't make a promise but we can come close to it.
2. Check calls
3. Pay - put it in writing

Conduct a Poll - exception rather than a rule

RD

RM

Flexibility of mind -

Improve bargaining - formal offer -
unmet demands

contract now
CO. position

FMCS - can be called in to a hospital situation

1. RM - objective criteria
2. then refuse to bargain

Campaigns

1. Consultant must go back to cards
2. Client calls consultant in
 - a. bargain, supervisory, seasonal
3. Prep. Witness - be calm
 - don't vol info on cross examination
 - don't answer yes or no question
 - "I won't answer yes or no" only in my terms

4. Cards → leads to petition

↓
leads to campaign
consultant should
find out what
problems are
employees can hold
gripe meeting
"tell me about
your problem."

→ call supervisors in
→ if pre-screen shows
2 of 3 problems -
address 1 most important problem

Board is considering ventilation is implied
promise to remedy.

80% of problem in ventilation are operational
lights, parts, etc
or
maintenance

20% is personnel
wages,
inequities
syndicates

Look at what I do not what I say

1. put practice
2. read letter to Union - you have been petitioned & represent.
Wage Increase → only give if you have to to Union
we want to give wage increase

sign memo & return or
we will tell people

stay away from union adherents

⊕
⊖
?

① Wages — only union letter

② Problem solving

1st attempt

indirectly as possible identify problems

solve problems — not in writing
unless no other way to win

Read 8(c) of act

Knock employees' relationships with union

give Fred Union Articles
approach

If you join union you will be giving up to
another government.

NLRB Agents

Field Examiner - (civil service)
Lawyer - old former MBA

Representative Case

R

C

UD Petition

eliminate union security clause

A petition

RE - union election

RD - decertify

UD - 30 employee files

AC - decertification petition & amend certification

RM - decertify at core

UC - employee files

unit clarification

when one union file over another union will try to identify additional facility

handled by field attorney

Contract Bar Rule

60/90 before end of contract in 3rd year

Expanding unit

R Cores

Multiple facilities

- 100 miles, functional integration
centralization of policy - labor relations
interchangeability

Sybs w/ facilities

Classifications

- prof. employees, etc. cannot be
included in prod. & maintenance
unit.

R petition → hearing officer → decision written

→ assistant regional director →

C - Core - Change Core

CA of employ

CB - agt. unit

Are you sure that you have a
Prima Facie Case against my client

Position Papers

Frame the Issue

~~Jenkins~~ - ~~Blacks~~ - Rep. - appt. by Kennedy
Fanning - Dem. - Chairman - Eisenhower
Murphy - Female - Rep.
Truesdale -
Pinello - Dem.

No distribution & solicitation rules

1. No sol dur working time
2. No del of lit. in working area
3. No trespassing signs, cite code on sign
- 4.

Go through employee handbook

Don't use zip code on excelsior

Tommy Therman

Keep ballots sorted clean